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ATTORNEYS FOR INTERVENORS JAMES DOUGLAS COWIE ET AL.

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

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	)	
	)	MDL Docket No. 06-1791 VRW
	)	
IN RE NATIONAL SECURITY AGENCY	)	
TELECOMMUNICATIONS RECORDS	)	<b>INTERVENORS' MEMORANDUM IN</b>
LITIGATION, MDL No. 1791	)	<b>OPPOSITION TO THE UNITED</b>
	)	<b>STATES'S MOTION FOR SUMMARY</b>
This Document Relates To:	)	<b>JUDGMENT</b>
<u>USA v. Reishus, et al.</u> , (D. Me.),	)	
	)	
	)	Courtroom: 6, 17 <sup>th</sup> Floor
	)	Judge: Hon. Vaughn R. Walker
	)	Hearing: April 1, 2009

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Intervenors are telephone customers in Maine and, as such, have a personal interest in the preservation of Maine's ability to protect them from unreasonable or illegal acts by their

1 telephone utilities. Verizon made public statements via press releases in Maine (See Ex. A. Tab  
2 5 p.2 attached to U.S. Motion for Summary Judgment), and Verizon's customers – the  
3 Intervenor – are entitled to know if Verizon spoke truthfully. Whatever the scope of the inquiry  
4 initiated in other states, the order of the Maine PUC issued to Verizon was uniquely limited in  
5 scope and plainly crafted to avoid any inquiry Verizon's relationship with any national  
6 intelligence agency. In the words of § 803, the Maine PUC has not initiated an "investigation  
7 into [Verizon's] alleged assistance to the intelligence community" nor has it adopted a  
8 "regulation or other means" to require Verizon to "disclose alleged assistance to an element of  
9 the intelligence community." Nor has Maine sought to "impose an administrative sanction on"  
10 or "commenced or maintained a civil action" against Verizon to require Verizon to disclose  
11 anything. The order of Maine PUC was not an inquiry into matters related to national  
12 intelligence, but rather a more limited attempt to determine if previously issued public statements  
13 by Verizon were truthful.

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16 Section 803 is not violated by the order of the Maine PUC.

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18 Intervenor leave to the States the state-sovereignty arguments in Part I of the States'  
19 Memorandum in Opposition to the United States' Motion for Summary Judgment, but write  
20 separately to adopt and support the concerns made in Part II of the States' Memorandum, as they  
21 relate directly to the concerns of Intervenor and phone customers everywhere.

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23  
24 Dated: March 20, 2009

/s/ Zachary L. Heiden  
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